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APRIL 1993



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Practices

PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK IN YOUR INSTITUTION
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO
TOM WRIGHT, COMMISSIONER



The Collection and Use of the Social Insurance Number

The Information and Privacy Commissioner (IPC) would like to encourage institutions to review their practices and procedures with regard to the collection and use of the social insurance number (SIN). The purpose of this issue is to create an awareness of the privacy implications of using the SIN as a unique personal identifier.

While the SIN serves an important role in the organization of local and provincial government programs – for example, in connection with the administration of pension and payroll information – its use as a broad personal identifier was never intended or sanctioned by federal legislation.

In 1988, in response to the concerns of Canadians, the federal Treasury Board restricted the use of the SIN in federal institutions to those authorized by statute and for purposes such as the administration of tax, pension and social benefits programs. Federal institutions using SINs as employee numbers were required to develop new practices by the fiscal year 1994.

Yet, because no controls were imposed at the time of its introduction, the SIN is widely used by both the public and private sectors for purposes which bear no relation to its original intent.

The general public is becoming increasingly concerned about the collection of unique personal identifiers like the SIN. In fact, the IPC has received a number of complaints about its collection and use by both provincial and municipal institutions.

One of the areas of growing concern is that, with the development of computer technology, SINs may be increasingly used for linking personal information in ways that may pose a threat to personal privacy. Computer matching, which involves the linking of two or more automated systems of records, can pose a threat to privacy if conducted without adequate safeguards. If a SIN is collected for an authorized purpose, it should not be used or disclosed in a match for another purpose without the individual's consent.

In considering the collection and use of the SIN, institutions must carefully consider any potential invasion of personal privacy that might result.

Recommended Procedures

The IPC urges institutions to consider the following procedures with regard to the collection and use of social insurance numbers:

1. Determine whether you are permitted to collect the SIN. The SIN qualifies as personal information under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (the *Acts*). As such, it can only be collected as specified in Section 38(2) of the provincial *Act* or 28(2) of the municipal *Act*:

- as authorized by statute;
- for the purposes of law enforcement; or

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- as *necessary* for the proper administration of a lawfully authorized activity.

2. Check areas where the SIN might be commonly used as a personal identifier, such as on attendance forms and internal reports, and eliminate any inappropriate usage.

3. If collection is permitted, advise the SIN holder of the purpose of the collection and the intended use(s). Provide the name, business title and telephone number of a person at your institution who can answer questions about how the SIN will be used.

4. Where it is deemed appropriate to collect the SIN, consider whether the SIN needs to appear on a print-out or form that may be viewed by others. You may wish to omit the SIN when printing the form. Ensure that the SIN is kept confidential and that it is accessible only to those who need to see it in the performance of their duties.

5. If a personal identifier is required, consider developing your own unique identification number, instead of using the SIN.

6. Determine if the SIN is being *used* for an authorized purpose in accordance with section 41 of the provincial *Act* and section 31 of the municipal *Act*.

7. Refer to the relevant collection, retention, use and disclosure provisions of the *Acts* (Part II of the municipal *Act* and Part III of the provincial *Act*).

The IPC would like to point out that these collection and usage considerations hold true whether an institution is dealing with its own employees or the general public.

IPC Practices

IPC Practices is published regularly by the **Office of the Information and Privacy Commissioner**. If you have any comments regarding this publication, wish to advise of a change of address or be added to the mailing list, contact:

Communications Branch

Information and Privacy Commissioner/Ontario
80 Bloor Street West, Suite 1700
Toronto, Ontario
M5S 2V1
Telephone: (416) 326-3333 • Toll Free: 1-800-387-0073
Facsimile: (416) 325-9195

ISSN #1188-7206



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COMPLIANCE 13
APRIL 1997

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Publications



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PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO
TOM WRIGHT, COMMISSIONER

You and Your Personal Information at the Ministry of Transportation

Over the years, members of the public have expressed their concerns to the Office of the Information and Privacy Commissioner (IPC) over the availability of their personal information held by the Ministry of Transportation under the authority of the Highway Traffic Act. This situation is not unique to Ontario. Most transportation authorities in North America make some, if not all of their driver and vehicle information available to the public. While there may be sound reasons for this practice, the public remains concerned, especially relating to the disclosure of an individual's home address.

Here are some answers to questions frequently asked about personal information held by the Ministry of Transportation.

What are the Ministry of Transportation databases?

The Ministry has two databases that contain personal information about members of the general public; the *Driver Licence Database* and the *Vehicle Registration Database*.

What is the Driver Licence Database and what personal information does it contain?

The *Driver Licence Database* is a registry of all persons who are licenced to operate a motor vehicle in the Province of Ontario. It contains the information that you provided when you applied for a driver's licence such as your name, address, date of birth and gender. It also contains your driver's licence number as well as a record of any driving convictions and a digitized photograph of your face.

What is the Vehicle Registration Database and what information does it contain?

The *Vehicle Registration Database* is a listing of registered vehicle owners in Ontario. It contains a description of every motor vehicle and trailer (boat, camper, etc.) registered in Ontario together with the current owner's name, address and licence plate number. In addition to listing what vehicle or trailer is owned by whom, it also contains a history of the vehicle's or trailer's previous owners.

Why do they keep a record of my driving convictions?

All driving convictions are added to the *Driver Licence Database* by the Ministry of the Attorney General after a person has been found guilty of a driving offence under the *Highway Traffic Act* or *Criminal Code of Canada*. This information is used by the Ministry for monitoring and controlling driver licensing.

Can I access my personal information on the Driver Licence Database?

Yes. With the payment of a fee, you can obtain a driver abstract from the *Driver Licence Database*. You will receive a listing of your driving convictions (speeding, impaired driving, etc.) for the past three years.

Can other people access my driver record?

Yes. Your record of the past three years is available upon request (with the payment of a fee). Organizations as well as members of the public request this information from the *Driver Licence Database* on a regular basis. However, your address is not provided to members of the public who request your driver information.

Can I access my vehicle information?

Yes. With the payment of a fee, anyone can obtain either a history of the licence plate or the vehicle.

- If you request a *plate* history, you will receive a listing of the various vehicles to which a particular licence plate has been attached, as well as the name and driver's licence number of the plate's owner.
- If you request a *vehicle* history, you will receive a listing of the names and driver's licence numbers of the people who have owned the particular vehicle as well as the licence plate numbers that have been attached to it.

Can others access information on the Driver Licence Database and the Vehicle Registration Database, and why do they need access to my information?

Yes, both individuals and organizations may access this information. Because many adults in Ontario either have a driver's licence or own a vehicle, these databases are considered to be a reliable source of current name and address information. Various bulk or account clients have signed agreements with the Ministry to access these databases. In order to be accepted as an account client, the organization must meet strict criteria set by the Ministry.

While individuals requesting my information are not given my address, I notice that some organizations can get it. Can I have my address information kept private for personal safety reasons?

Yes. If you feel that the release of your name and address to third parties may pose a threat to you or your family's well being, written confirmation from the police is required in order to have the address suppressed. However, it is still the responsibility of the driver and/or vehicle owner to keep his or her address current in order to comply with the *Highway Traffic Act*.

Is there any other type of personal information that may be on my driver record?

While the above are the principal types of information in the Ministry's databases, the Ministry also collects medical information as it relates to a person's ability to safely operate a motor vehicle. The *Highway Traffic Act* requires the Ministry to ensure that persons licenced to operate a motor vehicle are physically fit and requires all qualified medical practitioners and licenced optometrists to report any instances which might indicate that it would be dangerous for a person to operate a motor vehicle.

How can I get driver or vehicle information?

You may complete an "Application for Driver Record Search" or "Application for Vehicle Record Search" form. These are available at any of the Ministry's licence issuing offices. Or, you may obtain this information by using one of the Ministry's Service Ontario kiosks located in major centres throughout the province.

See also the IPC's paper entitled *You and Your Personal Information at the Ministry of Transportaion*. Copies are available at the IPC, Communications Branch at 80 Bloor St. West, Suite 1700, Toronto, Ontario or by calling (416)326-3333 or 1-800-387-0073. Electronic copies are available on the IPC's Web site at <http://www.ipc.on.ca>



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Communications Branch
Information and Privacy Commissioner/Ontario
80 Bloor Street West, Suite 1700
Toronto, Ontario M5S 2V1
Telephone: (416) 326-3333 • Toll Free: 1-800-387-0073
Fax: (416) 325-9195 • TTY (Teletypewriter): (416) 325-7539
Internet: <http://www.ipc.on.ca>

ISSN #1188-7206

